

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JORDAN PICKETPIN,)	4:05CV3019
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
THE BURLINGTON NORTHERN)	
AND SANTA FE RAILWAY)	
COMPANY,)	
)	
Defendant.)	

Plaintiff's original complaint (filing 1) in this employment discrimination case named "Burlington Northern Sante Fe Corporation" ("BNSF Corporation") as the defendant. In response to this complaint, Defendant moved to dismiss or, in the alternative, for summary judgment (filing 11) for the sole reason that the named defendant had never employed Plaintiff. Specifically, the defendant claims that "BNSF Corporation has never been the plaintiff's employer. It has no employees. BNSF Corporation is simply the holding company." (Filing 12, Br. Supp. Mot. Dismiss or for Summ. J. at 1 (citation to evidence omitted).)

Because the plaintiff has, with the court's permission, filed an amended complaint against "The Burlington Northern and Santa Fe Railway Company" (filing 18), Defendant's motion to dismiss or, in the alternative, for summary judgment (filing 11) must be denied as moot.

IT IS ORDERED that Defendant's motion to dismiss or, in the alternative, for summary judgment (filing 11) is denied as moot.

DATED this 17th day of May, 2005.

BY THE COURT:
s/Richard G. Kopf
United States District Judge